IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 7181 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.6447/2007
CMP.1647/2007 of J.M.F.C.-II, SULTHANBATHERY
CRIME NO.185/07 OF PULPALLY POLICE STATION

.....

: PETITIONER/ACCUSED

K.K.MOHANDAS,S/O.KANDAN
KIZHAKEPUTHENPURAYIL HOUSE
PULPALLY P.O., PULPALLY AMSOM
S.BATHERY,WAYANAD.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
DIRECTOR GENERAL OF PROSECUTION
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7181 of 2007

Dated this the 22nd day of November 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. A lorry loaded with 8,540 litres of spirit was found abandoned in the jurisdiction of Pulpally police station on 29/6/2007. I have already adverted to facts in detail in the bail applications which I have considered and disposed of by now. The petitioner was arrested on 27/9/2007. Investigation is not complete. I had occasions to comment on the quality of the investigation. There is no controversy now that the investigation cannot be completed by 27/11/2007.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officers are given the full complement of sixty days to complete the investigation and I am satisfied that regular bail can be granted to the petitioner with effect from 26/11/2007. Appropriate conditions can of course be imposed.

3. In the result, this petition is allowed. The petitioner shall be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 26/11/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall appear before the Pulpally police station between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months from the date of his release and thereafter as and when directed by the investigating officer from time to time. It is made clear that during this period, the investigating officer shall be at liberty to direct the petitioner in writing to appear before him on any date also.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007